

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TINGYAO LIN,

Plaintiff,

-against-

YURI SUSHI INC., et al.,

Defendants.  
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18-CV-0528 (GBD) (OTW)

**ORDER**

**ONA T. WANG, United States Magistrate Judge:**

On September 12, 2020, the *pro se* Defendant Sophia Lian submitted an application for appointment of counsel. (ECF 76). In determining whether to grant an application for counsel, the Court must consider “the merits of [a party’s] case, the [party’s] ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the [party’s] ability to gather the facts and deal with the issues if unassisted by counsel.” *Cooper v. A. Sargenti Co., Inc.*, 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for appointment of counsel a party must demonstrate that her claim or defense has substance or a likelihood of success. *See Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986); *Principal Life Ins. Co. v. Brand*, No. 15-cv-4803 (JS) (AKT), 2016 WL 11556547, at \*1 (E.D.N.Y. Apr. 15, 2016). In reviewing a request for appointment of counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant appointment of counsel indiscriminately. *Cooper*, 877 F.2d at 172. Appointment of counsel may not be warranted if the party’s chances of success with his claims or defenses are slight. *Cooper*, 877 F.2d at 172; *Hodge*, 802 F.2d at 60.

A more fully developed record will be necessary before it can be determined whether Defendant's chances of success warrant the appointment of counsel. Further, appointment of counsel does not guarantee that a party will obtain *pro bono* counsel. Accordingly, it is hereby **ORDERED** that Ms. Lian's application for the appointment of counsel (ECF 76) is **denied without prejudice** to renewal at such time as the existence of a potentially meritorious defense may be demonstrated.

The Clerk of Court is directed to mail a copy of this Order to Defendants at:

Yuri Sushi  
374 West 46th Street  
New York, NY 10036.

**SO ORDERED.**

Dated: September 30, 2020  
New York, New York

s/ Ona T. Wang

**Ona T. Wang**  
United States Magistrate Judge